

EXHIBIT 5

From: Ethicon Interactive Communications [ETHUS]
Sent: Thu, 22 May 2003 20:07:19 GMT
To: DL-ETHUSSO All Ethicon <All_Ethicon@ETHUS.JNJ.com>; Abbate, Bonnie [ETHUS]
<BAbbate@ETHUS.JNJ.com>; Neukum, Kim [ETHUS] <KNeukum2@ETHUS.JNJ.com>
Subject: Must Read! Gynecare Document Hold Notice

Please review the document hold notice below and ensure that you do the following:

- Identify any documents in your possession which may be related to this notice
- Appropriately segregate such documents and/or otherwise mark them so that they are preserved from any destruction. Keep such documents in a safe place.
- If you are not sure if the documents you possess are subject to this notice, please call me first to review

Regards,

Rita C. McIntyre, RN, RAC
ETHICON
a Johnson&Johnson company
Risk Manager
Phone: 908-218-2398
Fax: 908-541-3909

J&J LAW DEPARTMENT DOCUMENT PRESERVATION NOTICE

DO NOT DESTROY

SPECIFIED DOCUMENTS

May 22, 2003

RE: Hold Notice for Kandell v. Ethicon, Inc., et als.

Ethicon, Inc. has been named in a lawsuit arising out of the alleged use of TVT.

In connection with this matter, it is vital to preserve all documents relating in any way to the below listed subject matters until contrary written notice is received from the J&J Law Department. **Failure to preserve these materials could result in Court imposed penalties or sanctions on both the company and/or individual employees.**

Do not discard, destroy or alter in any way any of the documents (electronic or paper) described below. Please ensure that these instructions are followed.

Please save and preserve all documents in the categories described below, including e-mails and attachments, drafts, letters, memos, notes (handwritten or typed), reports and tables (either printed or on the computer), slides or other graphics, data stored on computer, audio or video tapes, “working” or other personal files, notes, guidelines and procedures and minutes. Documents must be maintained even if they are duplicates of documents held by other persons or you, and even if the duplicate has notes or handwritten comments on it.

“Document” includes all written materials, including all drafts as well as finalized documents, all e-mails and other electronic media (computer files), and all other types of recorded information such as audio tapes, video tapes, etc. Electronic files such as e-mails and those materials that may reside on the LAN should be preserved in personal folders or printed out and preserved in hard copy to avoid automatic deletion.

Electronic files such as e-mails and those materials that may reside on the LAN must be preserved in personal folders or printed out and preserved in hard copy to avoid automatic deletion. This notice also pertains to all files (on the subjects specified below) that you maintain in your office, as well as those maintained in shared locations such as general and departmental files.

If you have any questions about what documents should be preserved as a result of this notice, please contact me at (732) 524-2472. If you cannot locate me, please contact Taysen Van Itallie at (732) 524-2075.

Lisbeth A. Warren

Subject matters of documents to be preserved: *TVT*

Hold all documents, memoranda, notes, files, e-mails, etc. relating to *TVT*:

1. **Labeling:** All documents pertaining to *TVT* labeling or labeling revisions, including draft and final professional package inserts, patient information, minutes and notes of labeling meetings and all communications regarding same.
2. **Pharmacovigilance:** Adverse Event Reports, line listings or other data, analysis, compilations or discussions of adverse events.
3. **Regulatory:** All final draft communications with regulatory authorities regarding the *TVT* including FDA correspondence and inspection records, 483's, IND, NDA, BLA and other regulatory files and audit files including product monographs files (as applicable).
4. **Discovery, Research and Development:** All proposed, completed or ongoing studies, investigations, assessments or clinical evaluations, design, development and testing, fact books, product history, budget analysis, presentations and related communications pertaining to the *TVT*.

5. **Product Communications:** All documents pertaining to dear doctor letters, communications with health care professionals, or patients including written responses to product inquiries and attachments, telephone logs or other records or communication files dealing with this incident, plaintiff or event including documents pertaining to: records of plaintiff's complaint and incident if known and the product actually involved if returned or available. Also included should be bibliographies, abstracts, reprints, literature search requests, search results, product complaints, investigations, correspondence and testing of the product at issue.
6. **Marketing and Sales Material:** All documents developed for marketing of TVT, including all print and broadcast marketing materials, contracts and communications with advertising agencies, training and detailing materials, all present and past labeling including package inserts and patient guides held by sales representatives but not for distribution, brochures, graphics, other trade pieces, call logs, notes diaries or other records pertaining to communications with health care professionals, budgeting, sales data, including that provided by third party communications regarding same.
7. **Manufacturing Documents:** If product lot batch is known, all TVT lot and batch records, quality assurance and manufacturing controls and product complaints.
8. **Distribution:** Retail contracts pertaining to the distribution and wholesale of the product at issue including correspondence, distribution tracking or analysis and sales history.

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